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In his last chapter the author urges that the courts throw overboard the doctrine of *stare decisis* and appeal all questions to the principle of sufficient reason, though what that principle may be is not too clearly enunciated. His point of view in general is that of the modernist who interprets the much abused doctrine of equality as an equality of opportunity to be guaranteed by an impartial tribunal, and who insists that the highest duty of the practicing lawyer is to apply himself vigorously to the discovery and exposition of the principles of right reason. The book is not a profound contribution to the philosophy of law but as an application of certain basic working formulae of justice to our present day legal problems may be said to justify itself.

J. H. D.

BOYCOTT AND THE LABOR STRUGGLE. By Harry W. Laidler. Introduction by Henry R. Seager, Ph.D., New York, John Lane Company; London. John Lane, 1914, pp. 488.

This work comes at an opportune time, when legislatures are being urged to legalize this weapon of the laboring classes by statute.

It is a well written and most careful study of the subject by a member of the New York Bar, and an economist, and is a valuable work from both the economic and legal standpoints.

The author first discusses the economic side. He traces the past forms known to students of history, and shows that while the practice is old, the term originated with Father John O'MALLEY in 1881. He then gives the kinds employed in modern business as: (1) Consumers; e. g. by the Consumer's League label; (2) Employer's, e. g. by the Blacklist; (3) Trade,—such as the Lumbermen's Associations; (4), Political,—as the boycott of James G. Blaine by the printers in 1884; (5) International, such as Chinese refusal to purchase American goods, or the Persians to handle British commodities.

The author defines "boycott" in its broadest sense, as "an organized effort to withdraw and induce others to withdraw from social or business relations with another" (p. 27), and gives special definitions for the employers (p. 36) and the laborers (p. 60) boycotts.

He discusses the latter under two heads: Negative, and Positive. The negative is to secure for "fair" firms the trade of labor,—as by the Union label. The positive is to prevent trading with the "unfair" firms,—as by the "unfair" or "we don't patronize list." These latter are: Primary—simple combination to suspend dealings, without inducing or coercing others; Secondary,—a combination to induce or persuade others to stop dealing with the supposed offender; Compound,—inducement through coercion and intimidation, either by threats of pecuniary injury, or of physical violence.

His conclusion is that the boycott can be successful only when used with great care and as a last resort. The American Federation of Labor has used it with great care. Success depends largely upon the vigor with which it is pushed at the outset, and there is small chance of success against a firm that has a monopoly.

Negative boycotts are legal, and 41 states have provided for registering a label.

The primary positive boycott has met with little opposition, but the secondary has been generally condemned in the United States both by the courts and by statutes.

Conspiracy is usually charged, and some courts hold that an act that is lawful for one to do is lawful for several to do together; some others say a boycott which injures business only, does not injure a property right, and should be legal. Yet the courts of only 5 or 6 states uphold secondary boycotts,—New York, Montana, California, Rhode Island, Maine, and Oklahoma. In 14 states various kinds of boycotts have been held illegal. In 25 states the highest courts have not passed on the legality of boycotts in labor disputes. Of these, 4 have statutes condemning boycotts, and the courts in 7 others hold trade boycotts accompanied by malice or threats illegal.

In England boycotts are not criminal if not accompanied by violence or some similar act, and since 1906 trade unions cannot be sued for damages at all. Persuading boycotts, without force or violence, are upheld in Germany. In Austria, Belgium, France, Holland and Italy there are statutes against intimidation which would probably be held to apply to boycotts accompanied by threats or violence.

Many efforts have been made and are being made to legalize, by statute, certain forms of boycotting in the United States, and Maryland and California, following England, have declared it is not indictable for two or more to do what it is lawful for one to do. Mr. Laidler believes there is a tendency toward legalization in this direction.

The third part of the book discusses the reasons for and against making the boycott legal,—finding it easier to give arguments in favor of instead of against, doing so; and believes that the primary, secondary, and compound boycott involving only a threat to injure business by a withdrawal of patronage or labor, without violence to person or property, should be made legal.

The work is excellent in detail, non-partisan as a rule,—with possibly a slight leaning toward the labor side,—and filled with lucid discussion and apt quotations from the authoritative literature of the subject, with proper citations. An appendix gives a most valuable summary and digest of the decisions of the Federal and State courts, with a table of cases and bibliography. The work is also well indexed. It is a valuable and timely work.

H. L. W.

FEDERAL INCORPORATION. CONSTITUTIONAL QUESTIONS INVOLVED. By Roland Carlisle Heisler, Gowen Memorial Fellow in the Law School of the University of Pennsylvania, 1910-12. University of Pennsylvania Law School Series No. 3. Boston. The Boston Book Co., 1913. pp. viii, 231.

This little book contains the fullest and best discussion of the many constitutional questions involved in the matter of Federal Incorporation, that has come to the attention of the reviewer. There are eight chapters: Nature of the Power Vested in Congress by the Commerce Clause; Incorpo-